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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/941,306

08/29/2001

Cheng A. Feng

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04/07/2005

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EXAMINER

ASSOUAD, PATRICK J

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/941,306

Applicant(s)

FENG ET AL.

Examiner

Patrick J. Assouad

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2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                              |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/29/01</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

**Note:** The Examiner regrets the delay in acknowledging the status request letters filed by Applicant. Please note that this application was only recently assigned to this Examiner.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

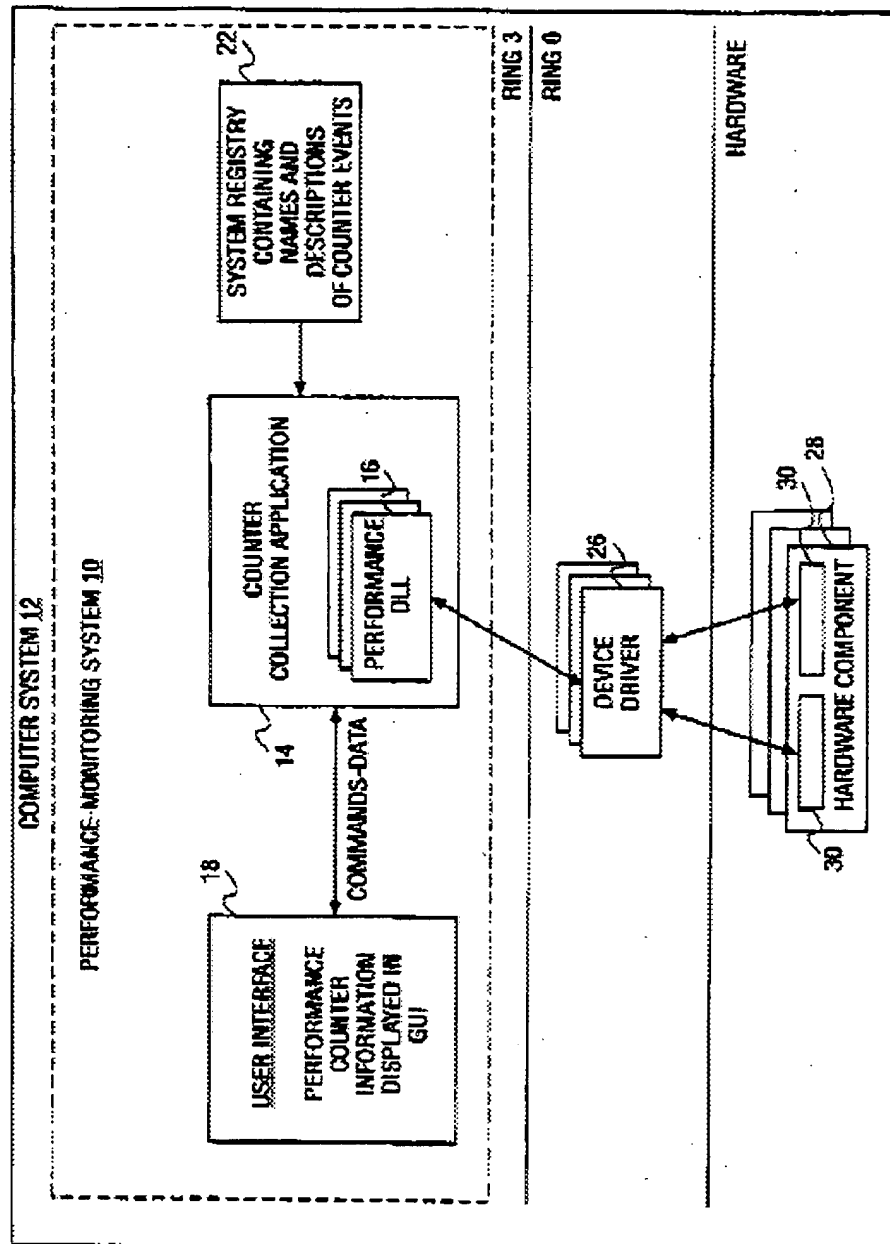
2. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by **Knight (US 6,792,392 B1)** filed June 30, 2000.

3. Knight discloses in his Abstract:

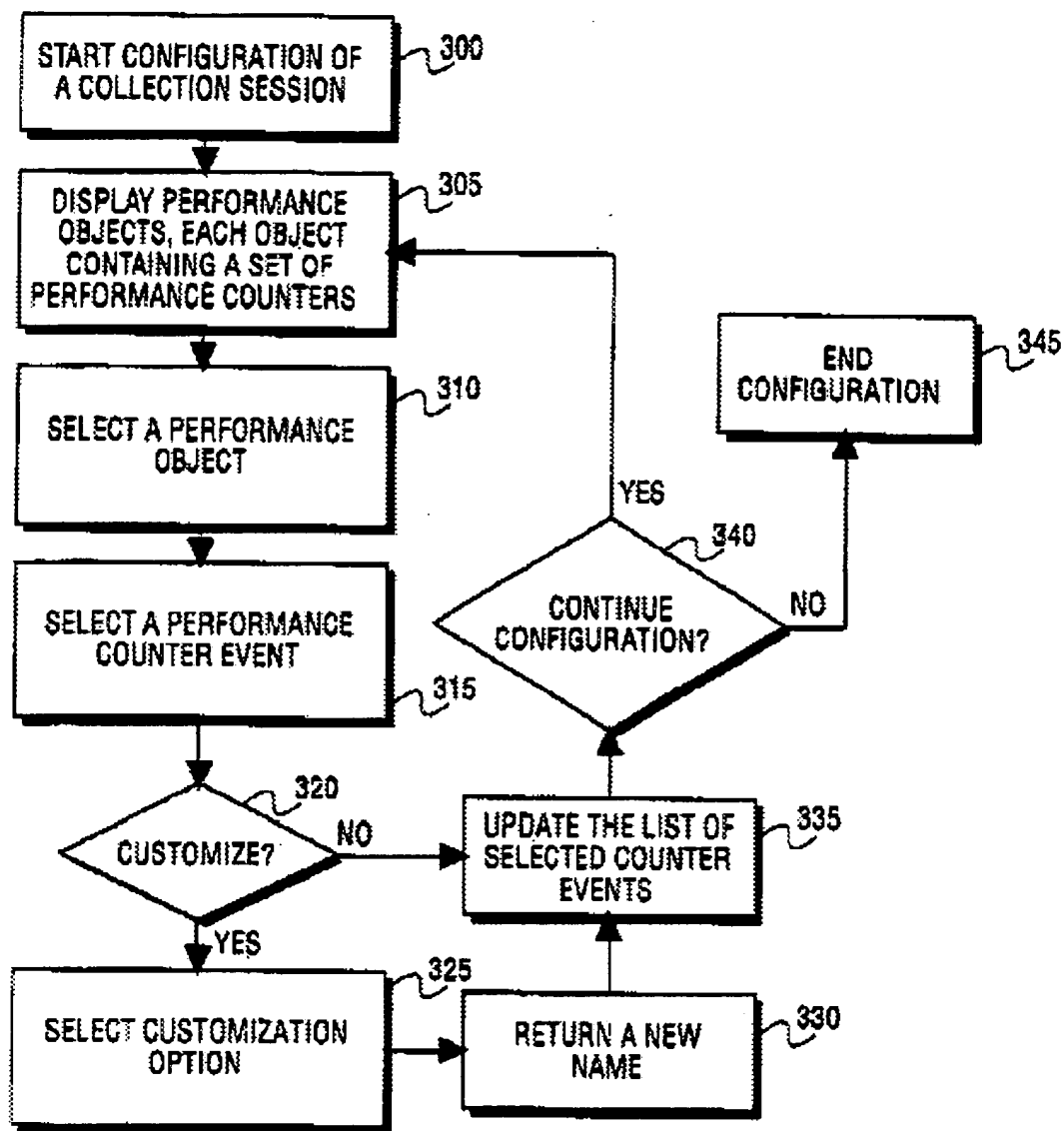
A system and method are described for configuring and collecting performance counter information of a computer system. The method includes providing one or more performance objects, each object containing a predetermined set of events. A user is allowed to select the entire set or a subset of events to be monitored during a collection session from the predetermined set of events contained in the performance objects. The performance counters associated with the subset of events selected are programmed to increment in response to an occurrence of a respective event. The data stored in each of the performance counters associated with the subset of events selected is periodically read during the collection session. [emphasis added by the Examiner]

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4. Figs. 1 and 3-4 of Knight are reproduced below for ease in understanding this rejection.

**FIG. 1**

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**FIG. 3**

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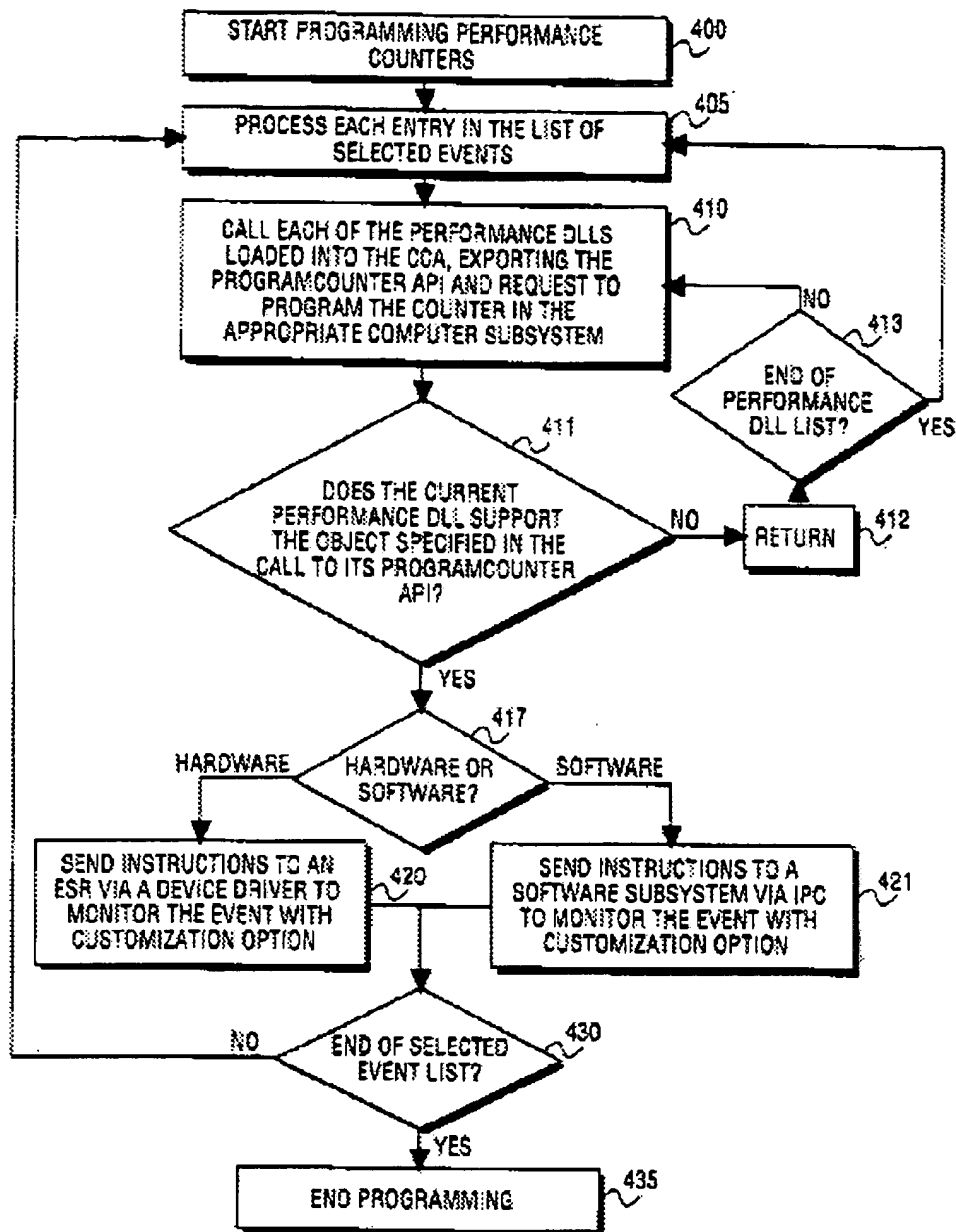


FIG. 4

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5. Note that independent claim 6 appears to be the most comprehensive independent claim and thus it will be used to show the clear correspondence between the instant claimed invention and that of Knight.

6. As per independent claims 1, 5, 6, 10, 11, 12, and 16, the correspondence with Knight is as follows:

A system for compiling an on-circuit monitor profile used to characterize the performance of a processing circuit, the system comprising: see at least the computer system 12 of Fig. 1 of Knight, wherein the processing circuit is any of the hardware components (28,30) and/or software of computer system 12; also see the various customizations steps of Figs. 3-4 of Knight;

a monitor configuration file for storing a set of allowable associations of a plurality of monitors and a plurality of events; see at least the system registry containing names and descriptions of counter events (22) of Fig. 1 of Knight; also see step step 305 of Fig. 3;

a display, communicatively coupled to the monitor configuration file, for displaying the set of allowable associations to a user; see at least the user interface 18 of Fig. 1 of Knight which includes performance counter information displayed in a GUI;

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a user input for accepting a selected set of monitor and event associations from a user, wherein the selected set of monitor and event associations is a subset of the set of allowable associations; *again*, see at least the user interface 18 of Fig. 1 of Knight which includes performance counter information displayed in a GUI; also see the system registry containing names and descriptions of counter events (22) of Fig. 1 of Knight; also see steps 310-325, especially the customization options of Figs. 3-4 of Knight;

a monitor profile output, communicatively coupled to the user input, wherein the monitor profile output is to be used to configure on-circuit monitors; see at least the counter collection application (14), including the performance DLLs (16) of Fig. 1 and the customization steps of Figs. 3-4 of Knight, most notably the customized list of selected counter events and the programming of the performance counters of Knight.

a monitor configuration generator, communicatively coupled to the monitor configuration file, the user input, the display and the monitor profile output, for preparing the data in the monitor configuration file for display on the display and preparing the selected set of monitor and event associations for the monitor profile output; *again*, see at least the counter collection application (14), including the performance DLLs (16) of Fig. 1 and the customization steps of Figs. 3-4 of Knight.



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7. As per dependent claims 2-3, 7-8, and 13-14, referring to a graphical interface or GUI, and wherein each accepted input selects a valid monitor-event combination, see at least the aforementioned GUI, element 18 of Fig. 1 of Knight. Note that the system registry of Knight contains names and descriptions of all *valid* counter events

8. As per dependent claims 4, 9, and 15 which refer to monitoring only a subset of the plurality of events, see the Abstract (reproduced above), and also see at least col. 3, line 11, and col. 5, line 38, and most notably, claim 1, line 4 of Knight.

### ***Conclusion***

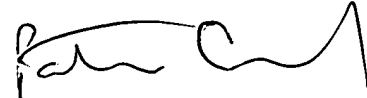
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the attached PTO-892.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J. Assouad whose telephone number is 571-272-2210. The examiner can normally be reached on Tuesday-Friday, 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patrick J Assouad  
Primary Examiner  
Art Unit 2857

pja